

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
ALLIANCE FOR OPEN SOCIETY
INTERNATIONAL, INC. and OPEN SOCIETY
INSTITUTE,

Plaintiffs, 05 Civ. 8209 (VM) (DF)

v.

UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT and
ANDREW S. NATSIOS, in his official capacity as
Administrator of the United States Agency for
International Development,

Defendants.

-----X

**PLAINTIFFS' MOTION FOR A TEMPORARY
RESTRAINING ORDER**

Upon the annexed declaration of Rebekah Diller dated October 12, 2005, the Complaint dated September 23, 2005; the Notice of Motion for a Preliminary Injunction dated September 28, 2005 and accompanying declarations of Burt Neuborne, Rosanna Barbero, Chris Beyrer, Pedro Chequer, Rebekah Diller, Robert Kushen, Ruth Messinger, Maurice Middleberg, and Aryeh Neier, and the exhibits thereto; the Memorandum of Law in Support of Motion of Plaintiffs Alliance for Open Society International and Open Society Institute for a Preliminary Injunction dated September 28, 2005; and all pleadings and proceedings relevant to this action, Plaintiffs move this Court for an order, pending ruling on Plaintiffs' motion for a preliminary injunction, until further order of this Court and pursuant to Rule 65 of the Federal Rules of Civil Procedure, granting Plaintiffs the following temporary restraining order:

Defendants are temporarily restrained and enjoined from taking any action against plaintiff AOSI based on the grounds that AOSI and/or plaintiff OSI have used their private funds from sources other than defendant United States Agency for International Development (“USAID”) to engage in any of the following activities in connection with efforts to discuss or promote effective HIV prevention services and human rights advocacy for at-risk populations:

- a. Holding discussions regarding or advocating the decriminalization of prostitution;
- b. Funding organizations or individuals who discuss or advocate the decriminalization of prostitution;
- c. Distributing materials that discuss or advocate the decriminalization of prostitution; or
- d. Encouraging the formation of sex worker organizations.

Dated: New York, New York
October 12, 2005

By:

/s/Rebekah Diller

Burt Neuborne (BN 9092)
Rebekah Diller (RD 7791)
David S. Udell (DU 4762)
Laura K. Abel (LA 6831)
Aziz Huq (AH 3227)*
Brennan Center for Justice
at NYU School of Law
161 Avenue of the Americas, 12th Floor
New York, NY 10013
(212) 998-6730

Attorneys for Plaintiffs

*Not admitted in this District